

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: October 27, 2003
	)	
Mary Ellen Hanley	)	DOCKET NO.: 03F-007
Director, Data Center 2 (Former)	)	
Office of the Chief Technology Officer	)	
1515 O Street, NW, #214	)	
Washington, DC 20005	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Mary Ellen Hanley, Director, Data Center 2, Office of the Chief Technology Officer, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 5, 2003 and August 14, 2003, OCF ordered Mary Ellen Hanley (hereinafter respondent), to appear at scheduled hearings on August 14, 2003 and August 27, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 22, 2003, OCF received a letter from respondent dated August 18, 2003, which enclosed the Notice of Hearing, Statement of Violations and Order of Appearance dated August 5, 2003, and stated she transferred to the Metropolitan Police Department in January 2003. Respondent further asserted she did not receive the Financial Disclosure Statement (FDS) form for filing, and requested that OCF forward

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same. On August 28, 2003, OCF sent a letter to respondent, enclosing an FDS and advising of the option to file the report online, with instructions. On September 25, 2003, OCF received a copy of respondent's Submission Report, evidencing her successful online filing, as well as the hard copy of a completed FDS.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed a Financial Disclosure Statement in 2002 for calendar year 2001.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent sent a letter, received by OCF on August 22, 2003, stating she transferred to the Metropolitan Police Department in January 2003, and asserting she did not receive a Financial Disclosure Statement to file the required report.
4. OCF provided notice to file if the filer ceases to serve prior to May 15<sup>th</sup> of any year, and within 30 days of any change in information on its Financial Disclosure Statement form.
5. OCF sent a letter to respondent, enclosing the required FDS form on August 28, 2003.
6. Respondent filed the required FDS on September 25, 2003.
7. Respondent has no history of prior filing delinquencies.
8. Respondent's address of record was provided to OCF by respondent's agency, which failed to notify OCF of an address change.
9. Respondent's explanation for the filing delinquency is credible in that service of OCF's notices was defective due to an incorrect address of record.
10. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, coupled with her filing history and the failure of her agency to forward current status information, constitute good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

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**Date**

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**Jean Scott Diggs**  
**Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine be hereby suspended in this matter.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order.

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**Rose Rice**  
**Legal Assistant**

**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.